## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Uni	ited State	es of Am	erica,		
		F	Plaintiff,	)	8:05CR283
	vs.			) }	DETENTION ORDER
Jar	nes L. Sł	numaker	,	)	
		Defe	endant.	)	
A.	Reform A	nducting	a detention hearing pursu Court orders the above-na		18 U.S.C. § 3142(f) of the Bail efendant detained pursuant to 18
B.	The Cou	ort orders y a prepo onditions equired. y clear ar	will reasonably assure that and convincing evidence that will reasonably assure th	n beca e that r e appe	use it finds: no condition or combination of earance of the defendant as condition or combination of any other person or the
C.	that which	rt's findirch was co ) Nature X (a) (b) X (c)	ontained in the Pretrial See and circumstances of the The crime: Conspired in the Constitute more to the Con	ervices ne offer racy ar han 50 a serior to life f violer narcotic	nd possession with intent to O grams of methamphetamine us crime and carries a maximum imprisonment. nce.
	(2 _X (3	) The h	· · · · · · · · · · · · · · · · · · ·	of the appear	

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	The defendant has no family ties in the area. The defendant has no steady employment. The defendant has no substantial financial resources.
	The defendant is not a long time resident of the
	community The defendant does not have any significant community
	ties. Past conduct of the defendant:
	The defendant has a history relating to drug abuse The defendant has a history relating to alcohol abuse The defendant has a significant prior criminal record.
	The defendant has a prior record of failure to appear at court proceedings.
,	(b) At the time of the current arrest, the defendant was on:  Probation Parole
	Release pending trial, sentence, appeal or completion of sentence.
,	(c) Other Factors:  The defendant is an illegal alien and is subject to deportation.
	The defendant is a legal alien and will be subject to deportation if convicted.
	The Bureau of Immigration and Customs Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other:
	e nature and seriousness of the danger posed by the defendant's ease are as follows:
	Non-compliance with previous court orders of probation
X (5) <b>Re</b>	buttable Presumptions
In reli § 3	determining that the defendant should be detained, the Court also led on the following rebuttable presumption(s) contained in 18 U.S.C. 142(e) which the Court finds the defendant has not rebutted:  (a) That no condition or combination of conditions will reasonably
	assure the appearance of the defendant as required and the safety of any other person and the community because the Court finds that the crime involves:  (1) A crime of violence; or

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			(2)	An offense for which the maximum penalty is life imprisonment or death; or	
		<u>X</u>	(3)		
				maximum penalty of 10 years or more; or	
			(4)	A felony after the defendant had been convicted of	
				two or more prior offenses described in (1) through	
				(3) above, and the defendant has a prior conviction	
		•		for one of the crimes mentioned in (1) through (3)	
		above which is less than five years old and which			
				was committed while the defendant was on pretrial	
				release.	
<u>X</u> (I	b)	) That no condition or combination of conditions will reasonably			
		assure the appearance of the defendant as required and the			
		safety of the community because the Court finds that there is			
		probable cause to believe:		use to believe:	
		X (1) That the defendant has committed a controlled		That the defendant has committed a controlled	
		substance violation which has a maximum penalty		substance violation which has a maximum penalty of	
				10 years or more.	
			(2)	That the defendant has committed an offense under	
				18 U.S.C. § 924(c) (uses or carries a firearm during	
				and in relation to any crime of violence, including a	
				crime of violence, which provides for an enhanced	
				punishment if committed by the use of a deadly or	
				dangerous weapon or device).	

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel: and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 2, 2005.

BY THE COURT:

s/ F. A. Gossett United States Magistrate Judge